

REMARKS

Applicants respectfully request reconsideration of the rejection of this application as examined pursuant to the office action of June 29, 2007. In the office action, Claims 1-5, 8-15, 28-30 and 32-41 were examined. Claim 31 was withdrawn by the examiner based on an assertion that the claim, which is a dependent claim, is directed to an independent or distinct invention. Claims 1-5, 8-15, 28-30 and 32-41 are pending after entry of this Amendment.

Claims 1-5, 8-15, 28-30 and 32-41 were rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Claims 15, 30 and 32-41 were rejected under 35 USC § 112, second paragraph, as being indefinite. Claims 1-5, 8-15, 28-30 and 32-41 were rejected in the pending office action under 35 USC § 103(a) as being unpatentable over the combination of published PCT application to Huff et al., WIPO Publication No. WO99/57625 ("Huff") and US published patent application Publication No. 2004/0215972 to Sung et al.

Independent Claims 1 and 30 have been amended to remove reference to a common agent framework. Those claims have also been amended to note that the present invention may exclude from at least one network interconnection device a policy enforcement module, which module provides a common framework for a function to change selectively the signal transfer policies of a network interconnection device. That is, without such a module, a network interconnection device cannot selectively change signal transfer policies. This modification is clearly supported in the specification, at least at paragraphs (29) and (31), and clearly distinguishes the present invention from the Huff reference cited.

Dependent Claim 15 has been amended to clarify the method as being performed in regard to the interconnection devices.

The 35 USC § 112, first paragraph, rejection

The office action states that all pending claims fail to comply with the written description requirement in view of the asserted exclusionary provision not having a basis in the original disclosure. Applicants respectfully disagree with this stated position. Applicants' paragraphs (11) and (14) do not contradict the stated exclusion. Those paragraphs simply state that the network devices may include the functionality, not that they must all include that functionality.

Instead, the stated exclusion is clearly supported by the original disclosure at paragraphs (29) and (31), each of which specifically notes that the functionality need not be common to all devices. Applicants' invention does not require that each and every one of the network devices include some form of common agent framework for effecting signal policy changes. As noted in paragraph (31), there may reside in the network "dumb" devices that have no enforcement function in the form of a common agent policy enforcement module. The independent claims have been amended to render even more clear that which Applicants have already noted. Specifically, that the present invention establishes a network system that does not require each and every device to include some standardized framework for effecting changes. Such a network would fail to address different needs at different network locations.

In view of the amendments made to independent Claims 1 and 30, the clear description of the invention at least in paragraphs (29) and (31) of the original disclosure, and the argument presented herein, Applicants respectfully suggest that the 35 USC § 112, first paragraph, rejection has been traversed.

The 35 USC § 112, second paragraph, rejections

The office action states that Claims 15, 30 and 32-41 fail to particularly point out and distinctly claim the invention. Applicants note that Claims 15 and 30 have been amended and therefore suggest that the 35 USC § 112, second paragraph, rejection of those claims and Claims 32-41 that depend from Claim 30, has been traversed.

The 35 USC § 103(a) rejection

Claims 1-5, 8-15, 28-30 and 32-41 were rejected as being unpatentable over Huff in view of Sung. As Applicants' representative and the examiner previously agreed, the present invention does not require the placement of a common agent framework in the form of a policy enforcement module in all interconnection devices of the network, whereas the Huff system clearly does. The Sung reference has been cited for the specific asserted purpose of allegedly teaching the use of intelligent agents selectively distributed among network nodes, but not all nodes. That is, the office action contends that the present invention includes such common intelligent agents selectively distributable among network interconnection devices. That is

Applicants' position as well, including the position that not all interconnection devices require such an agent, which is, again, a limitation of the Huff reference.

The Sung Reference Should Be Withdrawn From Consideration

Applicants respectfully submit that the Sung reference should be withdrawn from consideration. The accompanying Declarations of co-inventors Richard Graham and Mark Townsend describe the Applicants' conception and diligent steps to reduce their invention to practice, which actions began prior to the filing date of the Sung reference. Specifically, the Applicants conceived the invention prior to the April 13, 2003, Sung application filing date. They worked diligently to produce the invention at least as of July 28, 2003. The Declarants' statements are fully supported by exhibits generated contemporaneously with the efforts to reduce the invention to practice.

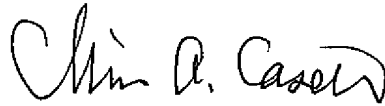
In view of the accompany Declarations of Richard Graham and Mark Townsend, and the attachments to those Declarations, Applicants respectfully suggest that the Sung reference is inapplicable in the determination of the patentability of the present invention described in pending Claims 1-5, 8-15, 28-30 and 32-41. Withdrawal of the 35 USC § 103(a) rejection of the claims based on Huff in view of Sung is therefore requested.

CONCLUSION

In view of the foregoing amendments made to the claims and the remarks made herein, Applicants respectfully suggest that the rejections under 35 § 112, first and second paragraphs, and 35 USC § 103(a) have been successfully traversed. Allowance of pending Claims 1-5, 8-15, and 28-30 and 32-41 is therefore requested. Applicants reserve the right to later file an application for consideration of withdrawn Claim 31 during the pendency of this application.

By this amendment, no new claims have been added. Therefore, no additional filing fee is required.

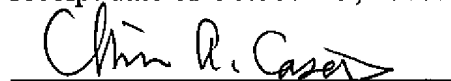
Respectfully submitted,



Chris A. Caseiro, Reg. No. 34,304
Attorney for Applicants
Verrill & Dana, LLP
One Portland Square
Portland, ME 04112-0586
Tel. No. 207-253-4530

Certificate of Transmission

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, using the EFS-Web service of the US Patent Office on October 29, 2007. It is hereby requested that this communication be assigned a receipt date of October 29, 2007.


Chris A. Caseiro